

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH DE COSTER *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware
corporation,

Defendant.

CLASS ACTION

Case No. 2:21-cv-00693-RSM

**STIPULATED MOTION AND ORDER
TO DEFER THE DEADLINE TO FILE
A CLASS CERTIFICATION MOTION**

NOTE ON MOTION CALENDAR:
November 23, 2021

The parties, by and through their counsel, stipulate and agree as follows:

1. Plaintiffs initially filed this lawsuit on May 26, 2021.
2. On June 21, 2021, the Court entered a stipulated order [Dkt. 15] consolidating this case with *West v. Amazon.com, Inc.*, Case No. 2:21-cv-694 (“Stipulated Order”).
3. As permitted by the Stipulated Order, Plaintiffs filed their consolidated amended complaint [Dkt. 20] on July 21, 2021.
4. Plaintiffs intend to seek to certify a nationwide class of all persons who, on or after May 26, 2017, purchased one or more goods on Amazon’s marketplace.

1 5. Under Local Rule 23(i)(3), the presumptive deadline for Plaintiffs to file a motion
2 for class certification is 180 days from the date of filing, absent a Court order deferring the
3 deadline. If set by the original filing, the deadline was November 22, 2021. If set by the date of
4 filing the consolidated amended complaint, the deadline is January 18, 2022.

5 6. Good cause exists to extend the presumptive class certification deadline because
6 the Stipulated Order extended the deadline for Amazon to respond to the complaint and for the
7 parties' respective briefing on any motion to dismiss. Consistent with that extension, Amazon
8 filed a motion to dismiss [Dkt. 35] pursuant to Fed. R. Civ. P. 12(b)(6) on September 20, 2021,
9 and the Court permitted a further extension that allows Amazon to file its reply brief by January
10 18, 2022 [Dkt. 38], so that motion will not be fully briefed until after expiration of the
11 presumptive deadline for the class certification motion established by Local Rule 23(i)(3).

12 7. Good cause also exists to extend the presumptive class certification deadline
13 because the issues raised in the consolidated amended complaint will require discovery before
14 Plaintiffs can file their class certification motion, and any expert reports filed in connection with
15 the class certification motion will need to be grounded in facts disclosed during discovery.

16 8. Having met and conferred, the parties have therefore agreed, subject to the
17 Court's approval, to stipulate to request the Court to vacate the current class certification
18 deadline prescribed by the local rule. The parties further agree that if the Court denies Amazon's
19 motion to dismiss Plaintiffs' consolidated amended complaint, they will propose a class
20 certification-briefing schedule promptly following the Court's disposition of the motion.
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DATED: November 23, 2021

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/Steve W. Berman

Steve W. Berman, WSBA #12536

By: /s/ Barbara A. Mahoney

Barbara A. Mahoney, WSBA #31845

1301 Second Avenue, Suite 2000

Seattle, WA 98101

Telephone: (206) 623-7292

Facsimile : (206) 623-0594

steve@hbsslaw.com

barbaram@hbsslaw.com

KELLER LENKNER LLC

Zina G. Bash (pro hac vice)

111 Congress Avenue, Suite 500

Austin, TX, 78701

Telephone: (512) 690-0990

E-mail: zina.bash@kellerlenkner.com

Warren D. Postman (pro hac vice)

Albert Y. Pak (pro hac vice)

1100 Vermont Avenue, N.W., 12th Floor

Washington DC, 20005

Telephone: (202) 918-1123

E-mail: wdp@kellerlenkner.com

E-mail: albert.pak@kellerlenkner.com

Interim Lead Counsel for Plaintiffs

QUINN EMANUEL URQUHART &

SULLIVAN, LLP

By: /s/ Alicia Cobb

Alicia Cobb, WSBA # 48685

1109 First Avenue, Suite 210

Seattle, WA 98101

Telephone: (206) 905-7000

Email: aliciacobb@quinnemanuel.com

Steig D. Olson (pro hac vice)

David D. LeRay (pro hac vice)

Nic V. Siebert (pro hac vice)

51 Madison Avenue, 22nd Floor

New York, NY 10010

Telephone: (212) 849-7000

Email: steigolson@quinnemanuel.com

STIPULATED MOTION TO DEFER THE DEADLINE

TO FILE A CLASS CERTIFICATION MOTION - 3

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Adam B. Wolfson (*pro hac vice*)
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017-2543
Telephone: (213) 443-3000
Email: adamwolfson@quinnemanuel.com

KELLER ROHRBACK L.L.P.

By: /s/ Derek W. Loeser
Derek W. Loeser, WSBA No. 24274
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
Telephone: (206) 623-1900
Facsimile: (206) 623-3384
E-mail: Dloeser@kellerrohrback.com

Plaintiffs' Executive Committee Members

DAVIS WRIGHT TREMAINE LLP

By: /s/ Stephen M. Rummage
Stephen M. Rummage, WSBA #11168
MaryAnn Almeida, WSBA #49086
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
Ph: (206) 622-3150; Fax: (206) 757-7700
E-mail: SteveRummage@dwt.com
E-mail: MaryAnnAlmeida@dwt.com

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

Karen L. Dunn (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Amy J. Mauser (*pro hac vice*)
Martha L. Goodman (*pro hac vice*)
Kyle N. Smith (*pro hac vice*)
2001 K Street, NW
Washington, D.C.
Telephone: (202) 223-7300
Fax: (202) 223-7420
E-mail: kdunn@paulweiss.com
E-mail: wisaacson@paulweiss.com
E-mail: amauser@paulweiss.com
E-mail: mgoodman@paulweiss.com
E-mail: ksmith@paulweiss.com

Attorneys for Amazon.com, Inc.

ORDER

Pursuant to stipulation, IT IS SO ORDERED.

The Court hereby vacates the November 22, 2021 deadline for Plaintiffs to file their motion for class certification.

The parties shall propose a class certification briefing schedule promptly following disposition of Amazon's motion to dismiss Plaintiffs' consolidated amended complaint, should the Court deny that motion.

DATED this 30th day of November, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 23, 2021, a true and correct copy of the foregoing was filed electronically by CM/ECF, which caused notice to be sent to all counsel of record.

/s/ Steve W. Berman
Steve W. Berman